

COMMISSION MEETING**1:30 P.M.****AUGUST 3, 2016**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, August 3, 2016, in the City Commission Meeting Room with Vice Mayor Mlynar presiding and Commissioners, Geitz, Giefer, and Harmon present. Mayor Gilligan was present via conference call. Also present were City Manager McAnarney, Assistant City Manager Witt, City Clerk Sull and City Attorney Montgomery.

Consent Agenda

Commissioner Geitz requested that item c, set bid date and time for demolition of 407 Commercial, be removed from the Consent Agenda.

It was moved by Commissioner Geitz, seconded by Commissioner Harmon that the remaining balance of the Consent Agenda listed below be ratified as a whole:

- a. Consider minutes of the Commission Meeting held on July 20, 2016.
- b. Consider ratification of Payroll Ordinance for period ending July 22, 2016.
- c. Set Bid Time and Date to for Demolition of 407 Commercial.
- d. Set Bid Time and Date for Merchant Street Storm Sewer Replacement Project SW1602.

The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Giefer, aye; Mayor Gilligan, aye; and Vice Mayor Mlynar, aye.

**CONSENT AGENDA
(Item c)**

Commissioner Geitz asked for an update on this item.

Assistant City Manager Witt stated the building continues to decline and can not be restored due to economic value. The City has been involved in seeking corrective action on this structure since 2013. The building has been inspected by two licensed structural engineers and both have recommended demolition and removal since the cost to remodel and rehabilitate to a safe condition and code compliant are prohibitive.

Commissioner Geitz made a motion to approve item c of the Consent Agenda. Commissioner Giefer seconded the motion. The vote follows:

Commissioner Geitz, aye; Commissioner Giefer aye; Commissioner Harmon, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments. No comments were made at this time.

**CITY COMMISSION
(Agreement with the Lake Kahola Homeowners Assn.)
(Lake Kahola Reservoir)**

Frank Abart, Public Works Director, was recognized and addressed the Governing Body. He stated this agreement between the City and Lake Kahola Homeowners Association is to monitor the water discharged from the lake. He stated the City holds a permit issued by the State of Kansas to exercise a water right over the water in the Lake Kahola Reservoir. Under the permit, there are restrictions and requirements relating to the discharge of water from the Reservoir that the City is bound to include in this agreement. The Kahola Homeowners Association causes water to be discharged from the Reservoir. Proper notice of a discharge is required to avoid wasting water and to coordinate with the Council Grove Reservoir to reduce duplication of water fees paid by the City.

Following further discussion, Commissioner Geitz made a motion to approve the Agreement with the Lake Kahola Homeowners Association. Commissioner Giefer seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Giefer, aye; Commissioner Harmon, aye; Mayor Gilligan, aye; and Vice-Mayor Mlynar, aye.

**EMERGENCY SHELTER GRANT
(Agreement from the Kansas Housing Resources Corporation)**

City Manager McAnarney stated in April of 2016, the City of Emporia submitted an application to the Kansas Housing Resources for monies from the Emergency Shelter Grant Program. He stated this is the 27th year of participation in this grant. The City was notified that the grant request was approved by the Kansas Housing Resources Corporation. Under the grant

agreement, the monies will be made available to the SOS, Inc. and Plumb Place. The City of Emporia will serve as the sponsoring agency for the grants. The grant funds will be distributed as follows:

SOS, Inc.	\$ 20,000.00
Plumb Place	\$ 30,000.00
Administration (City)	\$ 1,351.00
TOTAL GRANT AWARD	\$ 51,351.00
Local Match	\$ 50,000.00
Total Project Cost	\$101,351.00

He stated staff is recommending authorizing the Mayor to sign the agreement.

Commissioner Harmon made a motion to accept the Emergency Shelter Grant agreement from the Kansas Housing Resources Corporation and authorize the Mayor to sign the agreement. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; Mayor Gilligan, aye; and Vice-Mayor Mlynar, aye.

FIRE DEPARTMENT
(Equipment Purchase)
(Proposal for New Rescue Truck)

Tim Frevert, Purchasing Agent, was recognized and addressed the Governing Body. He stated this purchase will be made in connection with the National Purchasing Partners Government Fire Rescue Group Organization. By using the cooperative group, it allows the City to take advantage of RFP from large entities that bid multiple units which passes the multiple unit price on to the city. The cooperative purchasing group attracts more competition for a purchase which is reflected in the final cost. The price does not include a trade-in. Staff intends to sell the old rescue truck on the open market once the new truck arrives and all equipment has been transferred. The unit that is being replaced is 25 years old. It is anticipated that delivery of the new truck will be in 15 months due to the backlog of trucks being built. The proposal of \$442,370.12 is \$7,629.88 under our projected cost of \$450,000.00. By taking advantage of the NPPGov/FRGPO contract price plus the discount of \$24,053.99 for prepayment of the Freightliner chassis. He stated staff was recommending accepting

the proposal from Pierce Manufacturing. This unit will be paid for from the 2016 Bond Issue.

Following further discussion, Commissioner Giefer made a motion to accept the proposal for one new rescue truck to Pierce Manufacturing, Inc., for a total price of \$442,370.12. Commissioner Harmon seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Harmon, aye; Commissioner Geitz, and Mayor Gilligan, aye; and Vice-Mayor Mlynar, aye.

**SOLID WASTE
(Equipment Purchase)
(New Solid Waste Packer Body and Chassis)**

Tim Frevert, Purchasing Agent, and Keith Senn, Sanitation Supervisor, were recognized and addressed the Governing Body. They stated the City will be replacing a rear-load packer body and low entry chassis. Bids came in lower than expected due to lower fuel and iron prices. The trade in will be a 2005 model LET2-26 Crane Carrier Chassis outfitted with a 2005 Heil 20 cubic yard model PT 1000 rear-load packer body. The bids are as follows:

BID TABULATION

	Make	Model	Year
Downing Sales & Service	CHASSIS: Crane Carrier	LET2-30	2016
Phillipsburg, MO	BODY: Pak-Mor	R220-B	2016
	TOTAL WITH TRADE	\$168,682.00	
Armor Equipment	CHASSIS: Crain Carrier	LET2-30	2016
Arnold, MO	BODY: Heil	PT-1000	2016
	TOTAL WITH TRADE	\$183,725.00	
Equipment Co.	CHASSIS: Crain Carrier	LET2-30	2016
Grandview, MO	BODY: New Way	Cobra	2016
	TOTAL WITH TRADE	\$176,289.00	

There is \$226,000.00 budgeted for this purchase. Staff is recommending awarding the bid for one new solid waste packer body and chassis to Downing Sales & Service in the amount of \$168,682.00.

Commissioner Geitz made a motion to award the bid for a Crane Carrier Chassis with Pak-More R220B Rear-Load Body submitted by Downing Sales and Service in the amount of \$168,682.00. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon,

aye; Commissioner Giefer, aye; Mayor Gilligan, aye; and Vice-Mayor Mlynar, aye.

**SOLID WASTE
(Equipment Purchase)
(Recycling Baler)
(Bids)**

Tim Frevert, Purchasing Agent and Keith Senn, Sanitation Supervisor, were recognized and addressed the Governing Body. They stated the City will be replacing a horizontal baler with conveyor system at the Recycling Center. This baler is primarily used to process cardboard into bales. The bids are as follows:

Downing Sales	Cram-A-Lot	\$68,988.00	\$ 9,000.00	\$59,988.00
DeHart Recycling	Max-Pac	\$91,865.00		\$19,000.00
		\$72,865.00		
International Bailer	International	\$85,775.00	\$ 8,000.00	\$77,775.00

They stated the approved budget is \$93,000.00 for the purchase of a horizontal baler with a conveyor system to replace an existing baler at the Recycling Center. The low bid was submitted by Downing Sales & Service for a Cram-A-Lot model. Staff has had experience with a Cram-A-Lot baler, which the City purchased in 1995. This unit was considered substandard, mainly due to structural breakage, door & hinge failure and computer board issues. Manufacturers of the Cram-A-Lot baler have assured staff that their current balers are superior to the City's previously owned Cram-A-Lot. When staff compared the Cram-A-Lot to the Max-Pak, the Max-Pak appears to be the heavier built machine. Staff contacted 2 private industries who owns the same model Max-Pak baler as being offered. Both industries had favorable comments and performance about the baler. Recycling bales are exposed to great amount of pressure and force. They stated staff's experience that if a baler is not constructed with a sufficient amount of structural steel it will not withstand these forces. The Max-Pak weight is over 5 tons more than the Cram-A-Lot baler. Staff's recommendation is to purchase the Max-Pak baler and conveyor system offered

by DeHart Recycling in the amount of \$72,865.00.

Following further discussion, Commissioner Giefer made a motion to award the bid for one Max-Pak baler and conveyor system offered by August 19, 2016 DeHart Recycling in the amount of \$72,865.00. Mayor Gilligan seconded the motion. The vote follows: Commissioner Giefer, aye; Mayor Gilligan, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; and Vice-Mayor Mlynar, aye.

**SOLID WASTE
(2015 Annual Solid Waste Management Plan)
(Resolution Number 3582)**

Keith Senn, Sanitation Supervisor, was recognized and addressed the Governing Body. He stated the proposed plan was reviewed by the City Commission at a previous Study Session. He stated this is the annual review for Chase County, Lyon County, and the City of Emporia, which is required by Kansas Statute. He stated Chase and Lyon County Commissions have approved the plan. He was recommending approval of the 2015 Annual Solid Waste Management Plan.

Commissioner Geitz made a motion to approve Resolution Number 3582, a resolution relating to the annual review of the Solid Waste Management Plan of Chase County, Lyon County and the City of Emporia. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Giefer, aye; Mayor Gilligan, aye; and Vice-Mayor Mlynar, aye.

**CITY COMMISSION
(Permitting the Sale and Consumption of Alcohol)
(W. 4th Ave. Between Commercial St. & Merchant St.)
(Professional Disc Golf Association)
(Ordinance Number 16-33)**

AN ORDINANCE EXEMPTING WEST FOURTH AVENUE BETWEEN COMMERCIAL STREET AND MERCHANT STREET IN THE CITY OF EMPORIA FROM THE PROHIBITION ON THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE PROFESSIONAL DISC GOLF ASSOCIATION EVENT AUGUST 13, 2016, to which the City Clerk assigned Ordinance Number 16-33, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the Brickyard 20 Ale House is requesting a temporary

exemption from the prohibition of sale and consumption of alcoholic beverages for the PDGA Tournament event to be held on August 13, 2016. The requested exception would include W. 4th Avenue between Commercial Street and Merchant Street from 5:00 p.m. to 12:00 midnight. She stated the Brickyard 20 Ale House must meet all city and state requirements for temporary alcohol sale licensing.

Commissioner Geitz made a motion to approve Ordinance Number 16-33, an ordinance exempting the sale and consumption of alcoholic beverages for the Professional Disc Golf Association event for August 13, 2016. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Giefer, aye; Mayor Gilligan, aye; and Vice-Mayor Mlynar, aye.

CITY COMMISSION
(Hidden Vista Housing Development in the RHID)
(Resolution Number 3583)

Jim Witt, Assistant City Manager, was recognized and addressed the Governing Body. The Kansas Department of Commerce authorized the City to establish a Rural Housing Incentive District pursuant to K.S.A. 12-5241. The Hidden Vista development area was one of the districts approved in the original request. The purpose of such district is to encourage the development of housing in the rural cities and counties. There is a shortage of desirable housing and this resolution will call for the public hearing to move forward with the Hidden Vista Housing Development.

Commissioner Harmon made a motion to approve Resolution Number 3583, a resolution that will call for the public hearing to adopt a plan for the development of the Hidden Vista Housing Development in the City's Rural Housing Incentive District. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; Mayor Gilligan, aye; and Vice-Mayor Mlynar, aye.

PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 7-26-16)
(Application No. 2016-12 - Request of Tracy &I Michelle Edwards)

**(Annex property located at 2200 W. 30th Ave. into City Limits)
(Resolution Number 3584)**

Excerpt of Planning Commission Minutes from July 26, 2016.

The Planning Commission met in regular session on Tuesday, July 26, 2016, with Chair Thomas presiding. Members Bucklinger, Fowler, Miller, and Wade were present. Members Pontius, Rech and Springeman were absent.

Former Planning and Zoning Administrator Kevin Hanlin acted as Secretary for this meeting.

2. APPLICATION 2016-12. A request of Tracy and Michelle Edwards to annex property at 2200 W. 30th Ave into the City of Emporia.

Staff confirmed jurisdiction over this application.

No exparte communication was declared.

This request did not require legal publication or notification of surrounding property owners.

STAFF REPORT:

The applicant would like to annex their property into the City of Emporia in order to be connect to city utilities. This annexation is contiguous with the city limit line on 30th Avenue, however, it does not have more than 50% of the property contiguous with the city limit. If the Planning Commission grants approval of the annexation, the applicant will go before the County for approval before final approval from the City Commission.

The applicant is proposing to construct a new single family home on the property and have recently removed an existing residence. The proposed use is consistent with the comprehensive plan and the City has approved the water and sewer connections pending approval of the annexation of the property into the City of Emporia. There has been a license agreement granted, which will allow for the extension of the sewer line from 30th Avenue and Bayfront. Staff recommends approval since it would be a normal extension of the community.

Member Bucklinger stated, he had not been aware that a

request of annexation did not require legal publication or notification to surrounding property owners. He asked Staff if there were any other requests that do not need publication or notification. Mr. Hanlin responded that Utility and Utility Right of Way Vacations do not require publication and notification.

Member Miller moved to approve Application 2016-12, a request to annex 2200 W. 30th Avenue, based upon Staff's recommendations. Member Wade seconded. Motion approved 5-0.

Joe Foster, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this is a request of Tracy and Michelle Edwards to annex 5 acres (M/L) of property into the city limits, located at 2200 W. 30th Avenue. The applicant would like to have access to public utilities. The property is contiguous with the city limit line on 30th Avenue but less than 50% of the property touches the city limit line. The applicant is constructing a new single family home on the property and must annex into city limits in order to receive public utilities. He stated at their July 26, 2016 regular, the Planning Commission vote unanimously to approve the request. He stated staff was recommending approval of the request since it would be a normal extension of the community.

Commissioner Geitz made a motion to approve Resolution Number 3584, a request of Tracy and Michelle Edwards to annex 5 acres (M/L) of property into the city limits, located at 2200 W. 30th Avenue. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Giefer, aye; Mayor Gilligan, aye; and Vice-Mayor Mlynar, aye.

BUDGET
(2017 Budget)
(Set Date for Budget Hearing)

City Manager McAnarney stated the Commission would need to set the

public hearing for the 2017 Budget for August 17, 2016. A notice of budget hearing will be published in the Emporia Gazette ten (10) days prior to the hearing.

Commissioner Geitz made a motion to approve the 2017 Budget hearing date on August 17, 2016. Commissioner Giefer seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Giefer, aye; Mayor Gilligan, aye; Commissioner Harmon, aye; and Vice-Mayor Mlynar, aye.

CITY COMMISSION
(City Manager's Report)

This is a verbal report that announces upcoming events, recognizes employees for outstanding contributions and provides the public information that may be of a general interest. The following information was presented at the meeting:

At this time this Agenda was prepared, the following items were in the works:

TENTATIVE AGENDA FOR AUGUST 10TH STUDY SESSION

1. Final Discussion of Budget
2. Request for Change of Downtown Parking Designation between 700-800 Block of Merchant Street.
3. Review Towing
4. Discuss possible Fundraiser on old Soden's Grove Bridge

Joint Luncheon w/Community Housing Board

Commissioner Giefer than made a motion to adjourn. Commissioner Harmon seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Harmon, aye; Commissioner Geitz, aye; Mayor Gilligan, aye; and Vice-Mayor Mlynar, aye.

Bobbi Mlynar, Vice-Mayor

ATTEST:

Kerry Sull, City Clerk